

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the present amendment and the following discussion, is respectfully requested.

Claims 16-27 and 34-36 are pending in this case. Claims 16, 22, and 34-36 are amended by the present amendment with support in the originally filed disclosure at least at paragraph [0134] of the published Specification. Thus, no new matter is added.

The outstanding Office Action rejected Claims 16-27 and 34-36 under 35 U.S.C. § 102(e) as anticipated by Kolls (U.S. Patent No. 6,615,183).

Applicant traverses the rejection of the pending claims.

As set out in MPEP § 2131, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631. Further, “[t]he identical invention must be shown in as complete detail as is contained in the...claim.” Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236.

Amended Claim 16 is directed to an image forming apparatus and includes, *inter alia*, “a banner advertisement storage unit configured to store at least two banner advertisements from the banner advertiser terminal.”

As stated at column 23, lines 8-16, of Kolls, when an advertisement is routed to a system 500, which is asserted to teach an image forming apparatus as defined by Claim 16, the system 500 determines “[i]f an advertisement can be displayed **at the current time.**” Emphasis added. Thus, not only does Kolls fail to teach or suggest a banner advertisement storage unit as defined by Claim 16, but the principle of operation of Kolls precludes storage of a banner advertisement.

Further, even with an assertion that an advertisement must be buffered in Kolls before the determination is made as to whether it will be displayed, such a buffer would not teach or

suggest a storage unit “configured to store **at least two banner advertisements**,” as recited by amended Claim 16, because a determination is described as being made regarding each banner advertisement as it is received.

Finally, Applicant respectfully reiterates the requirement set out above that, for an assertion of anticipation, the reference must teach the identical invention **in as much detail**. Kolls does not even describe a buffer for the received data, let alone one that retains an advertisement that was not displayed such that at least two advertisements may be buffered.

Because Kolls does not teach or suggest at least the features of Claim 16 discussed above, Applicant respectfully requests that the rejection under 35 U.S.C. § 102(e) of Claim 16 and Claims 17-21, which depend therefrom, be withdrawn.

Claims 22 and 34-36, though differing in scope and statutory class from Claim 16, patentably define over Kolls for similar reasons discussed with respect to Claim 16. Thus, Applicant respectfully requests that the rejection under 35 U.S.C. § 102(e) of Claim 22, Claims 23-27, which depend therefrom, and Claims 34-36 be withdrawn.

Accordingly, the outstanding rejections are traversed and the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is, therefore, respectfully requested.

Respectfully submitted,

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